

Application No. 10/087,566

REMARKS

Claims 73-124 are pending. By this Amendment, claims 80-82, 89-91, 106-108, and 115-117 are cancelled, and claims 73 and 99 are amended.

Claims 73-75, 80-82, 89-92; 99-101, 106-108, and 115-118 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,965,193 to Ning et al. (hereinafter "Ning") in view of U.S. Patent No. 4,222,774 to Boutin et al. (hereinafter "Boutin"). Amended claims 73 and 99 have been amended to recite, in part, a metal alloy layer and metal alloy layers, respectively, "consisting essentially of silicon of not less than 0.2% by weight and not more than 0.5% by weight...." Neither Ning nor Boutin teach or suggest this limitation in combination with all other elements of the claims. For at least this reason, claims 73 and 99 are in condition for allowance.

Claims 92 and 118 recites, in part, a metal alloy layer and metal alloy layers, respectively, "consisting essentially of aluminum and of Mg of not less than 0.2% by weight and not more than 0.5% by weight...." The Examiner states that Boutin teaches a Mg content of less than 0.2% and that the compositions of the specific claimed alloy of the present invention are in such close proportions to those in the prior art that, *prima facie* one skilled in the art would have expected them to have the same properties. The rejection is respectfully traversed. In the specification, the composition of 100% aluminum and 0% Mg of comparative example 1 is in the range of less than 0.2% taught by Boutin, but not in the range of "not less than 0.2% by weight and not more than 0.5% by weight" taught by the present invention. The Vickers hardness of comparative example 1 is 20, which is out of the range of Vickers hardness required by claims 92 and 118, evidencing different properties. Therefore, a patentable distinction is observed

Application No. 10/087,566

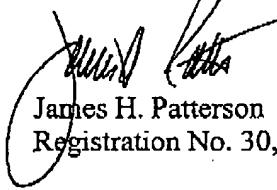
between the claimed Mg content of not less than 0.2% by weight of claims 92 and 118, and the content of less than 0.2% taught by Boutin. For at least this reason, claims 92 and 118 are in condition for allowance.

Claims 74-75 depend from claim 73, and claims 100-101 depend from claim 99, and are allowable for at least the same reasons as claims 73 and 99, respectively.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



James H. Patterson  
Registration No. 30,673

Customer No. 24113  
Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5741